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BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.No. 2287 2003.

Petitioner : Ajit Kumar Nair
aged 36 years,
son of P.G.K. Nair
V-3, Vardhman Nagar,
RAJNANDGAON.

Versus.

Respondents : (1) STATE GOVT OF C.G THROUGH - The Chief Secretary
Govt. of Chhattisgarh,
Raipur.

(2) Chief Engineer,
P.W.D. (B & R)
Raipur.

(3) The Collector,
Rajnandgaon.

(4) Executive Engineer,
P.W.D. B & R Division,
Rajnandgaon.

P.R. No. 2132/03
Presented by Shri Ajay Shrivastava
dated 29.8.03

29/8/03

Writ Petition under Article 226/227 of the Constitution of India.:

XI-HC-22

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2287/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.11.2003 Shri Ajay Shrivastava, counse for the petitioner. Shri Ranbir Singh Marhas, Govt. Advocate for the State/ respondents. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, seeking directing for consideration of his case for compassionate appointment. The petitioner's case is that he is the son of Late Smt. C.K. Nair, who died at the age of 57 years and there is nobody in the family to earn the bread. Therefore, the petitioner is entitled for compassionate appointment, but the respondents are not considering the request of the petitioner in a fair manner. Even Case No.435/2000 was filed by the petitioner before the State Administrative Tribunal and the Raipur Bench vide order dated 29.05.2000 ordered that the application of the applicant (petitioner herein) regarding appointment on compassionate ground be decided by the non-applicants within a period of one and half month from the date of receipt of that order. But in spite of that order, the respondents are not passing any order. The petitioner filed a representation on 02.06.2000 (Annexure P-3) and death certificate of his mother, but nothing has been done so far. After the death of the mother of the petitioner on 19.08.98, the respondent have appointed Ashwani Kumar Sharma on compassionate grounds, whereas, the	

(33)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2287/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

petitioner's application was already pending on the date. As the mother of the petitioner was already known to the respondents, the respondents have malafidely and arbitrarily not considered the case of the petitioner. The Executive Engineer, PWD, Rajnandgaon, wrote a letter dated 16.10.98 to the Superintendent Engineer, PWD and Superintendent Engineer, Durg Circle wrote a letter on 02.12.98.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner submits that the respondent authorities are behaving in an arbitrary manner and they are not considering the case of the petitioner. He further submits that the petitioner may be allowed to make a detailed representation and the respondents be directed to decide the representation within a reasonable time to which the learned Govt. Advocate has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation regarding his appointment on compassionate grounds within a period of ten days from today to respondent No.2 and in turn, respondent No.2 shall consider the representation and pass appropriate and reasoned order and communicate the same to the petitioner within two months from the date of receipt of the representation. In the case of the petitioner is matured for compassionate appointment and there is vacancy, then why respondent

(34)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.2287 **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	No.2 is not considering his case, the reasons are best known to respondent No.2. In the given period if nothing is done by respondent No.2, then the petitioner is at liberty to move this Court again. With the above observations and directions the petition stands disposed of. In view of this order, M.(W.)P.No.2090/2003, I.A. Nos.7043/2003 and 8261/2003 also stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C.BHADOO** **Judge**	

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